

Return Address: Stevan & Wendy Herbst
PO Box 847
Vancouver, WA 98666

Doc # 2006162726
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Date: 08/23/2006 12:11P
Filed by: STEVAN HERBST
Filed & Recorded in Official Records
of SKAMANIA COUNTY
J. MICHAEL GARVISON
AUDITOR
Fee: \$41.00

Skamania County Department of Planning and Community Development

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-3900 FAX 509 427-3907

Administrative Decision

**APPLICANT/
PROPERTY
OWNER:**

Stevan and Wendy Herbst

FILE NO.:

NSA-06-20

PROJECT:

Construction of a single-family dwelling (approximately 3,387 sq. ft.), detached garage (approximately 790 sq. ft.), driveway and associated utilities.

LOCATION:

Lot 2 of W Barber Short Plat, off of Riverside Drive, Skamania; Section 11 of T1N, R5E, W.M. and identified as Skamania County Tax Lot #01-05-11-2-0-1102-00.

LEGAL:

Lot 2 of W Barber Short Plat #1, Book 3, Page 26.

ZONING:

General Management Area-Residential (R-10).

DECISION:

Based upon the record and the Staff Report, the application by Stevan and Wendy Herbst, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and is **hereby approved**.

Although the proposed development is approved, it may not be buildable due to inadequate soils for septic and/or lack of potable water. These issues are under the jurisdiction of Skamania County's Building Division and the Skamania County Health Department.

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **This document, outlining the conditions of approval, must be recorded by the applicant in the deed records of the Skamania County Auditor** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

- 1) As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
- 2) All developments shall be consistent with the enclosed site plan and landscaping plan, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval. (See attached)
- 3) All structures, except fences, including eaves, awnings and overhangs shall meet the following setbacks: **Front yard:** 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater. **Side yard:** 20 feet. **Rear yard:** 20 feet. Setbacks are established from property lines, not fence lines. If any question arises regarding the location of the property lines, the applicant shall be required to hire a professional land surveyor to locate the property lines and mark them with temporary staking prior to a building permit being issued. Staking must remain during construction and all building inspections.
- 4) The structures shall be consistent with the elevation drawings submitted and the height of the proposed single-family dwelling shall not exceed 30 feet from top of footer to roof peak, and the proposed detached garage shall not exceed a height of 17 feet from the top of slab on grade to the roof peak. The height of finished grade shall not exceed the height of natural grade.
- 5) Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Planning Department.
- 6) The applicant and/or future owner shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter.
- 7) The combined footprint of all accessory buildings on the parcel shall not exceed 1,500 square feet in area.
- 8) The applicant shall retain the all existing trees as shown on the landscape plan, including the 31 proposed native evergreen trees to be planted by the applicant, to provide screening from KVAs and maintain visual subordination. The applicant shall follow the landscape plan that was submitted to

- the Planning Department as a part of this application, and attached to the Administrative Decision. Prior to final inspection by the Planning Department, all proposed plantings shall be completed.
- 9) At least half (½) of any trees planted for screening purposes shall be species native to the setting. Such species include Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, vine maple, red alder, ponderosa pine, Oregon white oak and various native willows (for riparian areas). At least half (½) of any trees planted for screening purposes shall be coniferous to provide winter screening.
 - 10) Except as is necessary for site development, the existing tree cover screening the development from key viewing areas shall be retained.
 - 11) The exterior of all proposed structures (siding, trim, windows, garage doors, doors, roofing, etc.) shall be dark earth-tone colors. If the applicant chooses to use colors other than those submitted, dark earth-tone color and material samples shall be submitted to the Planning Department prior to issuance of a building permit.
 - 12) The structures shall be composed of nonreflective materials or materials with low reflectivity. If the applicant chooses different materials than those approved, then material samples shall be submitted to the Planning Department prior to issuance of a building permit. The building plans shall include windows that have a low-reflective quality and an outdoor reflectance rating of 11% - 15% or less (see Glass Performance Data sheet attached).
 - 13) All exterior lighting shall be hooded and shielded at a 90-degree angle. Hoods/ shields shall be made of nonreflective, opaque material, which does not allow light to pass through.
 - 14) All cut banks and fill slopes shall be planted with native vegetation. The proposed retaining walls shall be naturalistic and minimized terraces should be used as opposed to concrete type retaining walls. The shape of the retaining wall and material used on the exterior face shall blend with the surrounding.
 - 15) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Planning Department. The applicant is to coordinate all inspections with the Building Division. A final inspection approval will not be issued until compliance with all conditions of approval, including visual subordination criteria have been verified.
 - 16) The Planning Department will conduct at least two site visits during construction, one to verify the location of the structures as stated by the Administrative Decision and a second to be conducted after all foundation excavation has been completed including framing footers, but prior to pouring the foundation. A site visit for Final Inspection shall also be conducted. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Building Division at 509-427-3920.
 - 17) The following procedures shall be effected when cultural resources are discovered during construction activities:

- a) **Halt Construction.** All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b) **Notification.** The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.
 - c) **Survey and Evaluations.** The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
 - d) **Mitigation Plan.** Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 18) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
- a) **Halt of Activities.** All survey, excavation and construction activities shall cease.
 - b) **Notification.** Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - c) **Inspection.** The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
 - d) **Jurisdiction.** If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
 - e) **Treatment.** The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when

conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 18 day of August, 2006, at Stevenson, Washington.



Nicole Hollatz, Associate Planner
Skamania County Planning and Community Development.

NOTES

Any new residential development, related accessory structures such as garages or workshops, fences, and additions or alterations not included in this approved site plan, will require a new application and review.

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or when the development action is discontinued for any reason for one continuous year or more.

APPEALS

The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms are available at the Planning Department Office and must be accompanied by a \$500.00 nonrefundable filing fee.

WARNING

On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

**Skamania County Building Department
Skamania County Assessor's Office**

A copy of this Decision, including the Staff Report, was sent to the following:

Persons submitting written comments in a timely manner
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Indian Tribe
Department of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
State of Washington Department of Community Trade and Economic Development -- Dee Caputo
Department of Fish and Wildlife

APPLICANT:
Shawn & Wendy Herbst
4211 NW Daniels Street
Vancouver, WA 98660
Phone: 360-606-8505
Phone: 360-606-9136

SITE LOCATION:
NW QUARTER NW QUARTER SEC 11 T. 1 N.,
R. 5 E., SKAMANIA COUNTY, WASHINGTON
LOT 2 OF W BARBER SHORT PLAT NO. 4
TAX LOT NO. 1051120110200
TOTAL ACRES: 2.07

EXISTING CONDITIONS: The site consists of 2.07 acres of vacant land, sloped & treed. A gravel drive runs through the property for access to Lot 1. A well has been drilled at the SW corner of the property for the proposed home on the site.

PROPOSED SITE: The proposed use of the property is to build a single family home. This home will be 3,387 sq ft which includes a daylight basement & two car garage (1,403 sq ft), a main level (1,403 sq ft) and a lot (581 sq ft). The detached garage is 790 sq ft. The home meets all Skamania County & George Commission KVA requirements.

DRIVEWAY ACCESS: The exist gravel driveway is currently being used for access to Lot 1. It is proposed that the exist gravel driveway will be a shared access driveway for approx 46' on Lot 2's property and then become the access for Lot 2 and be maintained by the owners of Lot 2. Lot 1 will have a new access drive and easement beginning at the end of the 46' shared driveway to their property. This new location has been determined by the owners of Lot 1 and 2 and will be replacing previous easement agreements and become the new legal agreement between Lot 1 & 2.

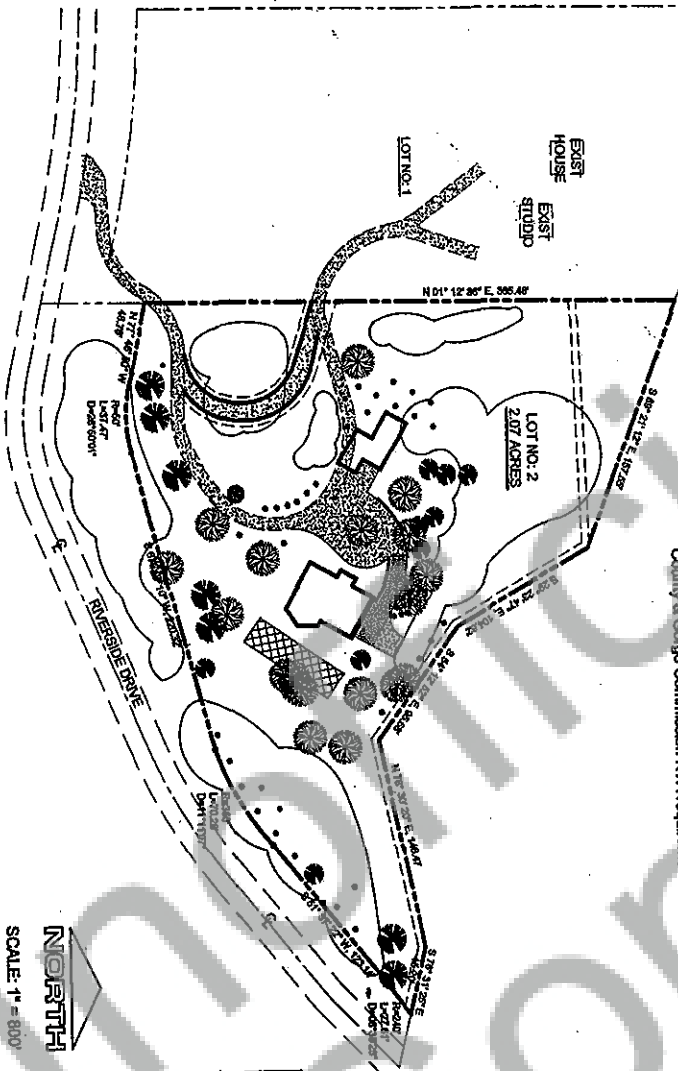
WATER: There is currently a well on the property located at the SW corner of the site. Water from this well will be used for the proposed home.

SEWER: The proposed site will use a septic system for waste disposal.

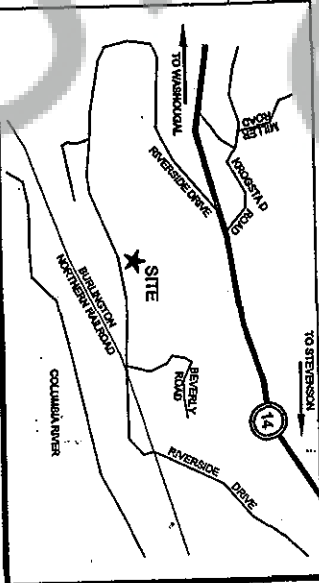
POWER: The proposed site will hook up power & telephone from the existing power pole at the SE corner of the property within the ROW and property easement on Riverside Drive.

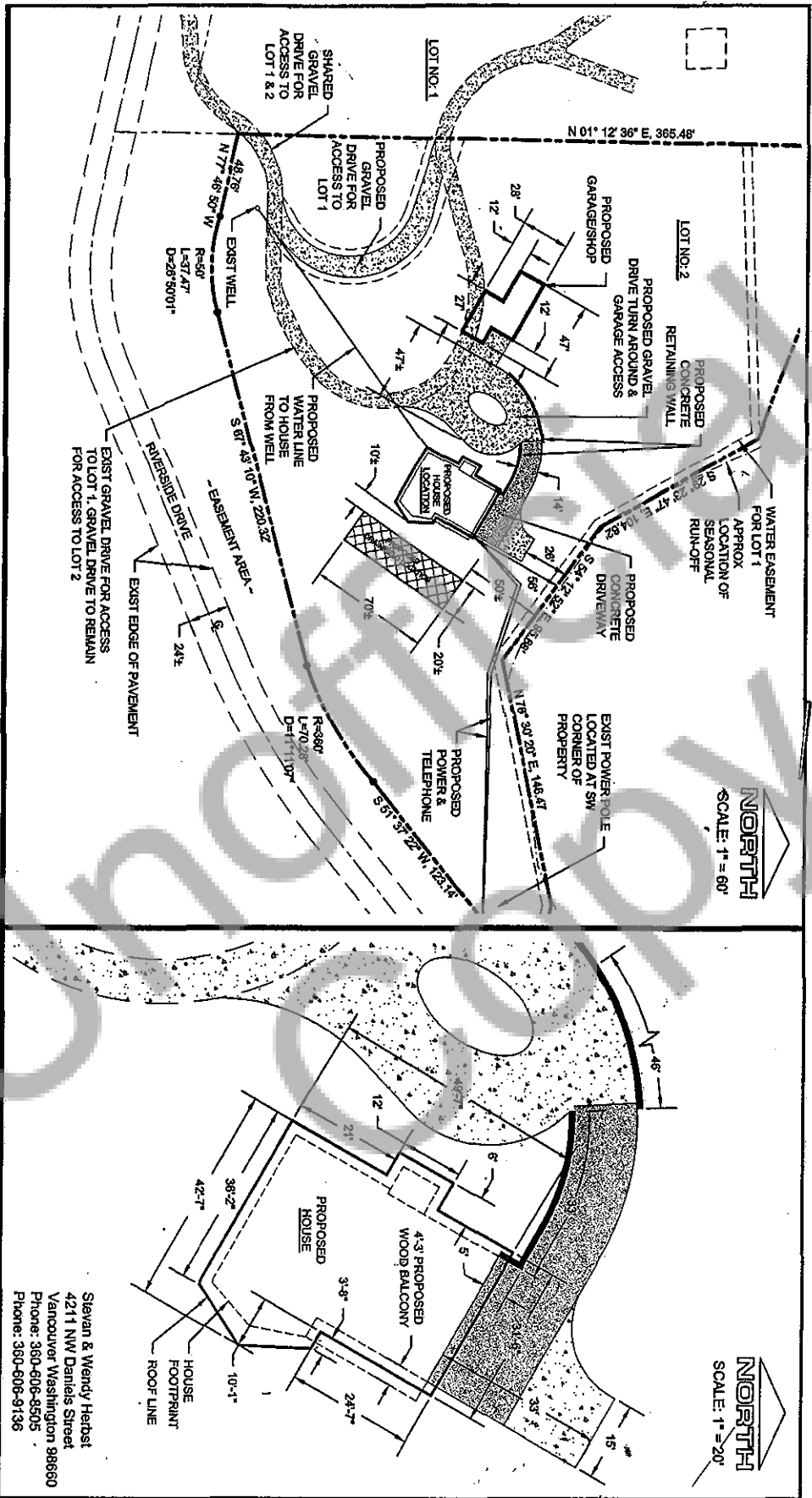
GRADING: A grading plan is included in these plans to reflect the proposed basement/garage in the home. Please see attached grading & elevation plans.

LANDSCAPING: The property consists of mostly older trees, bushes and evergreen trees. It is proposed that trees will be removed only as necessary for the building site and safety. New plantings will be made to block the filtered KVA areas to ensure KVA requirements are met and to enhance the natural setting of the property. Please see landscape plan.



NORTH
SCALE: 1" = 800'

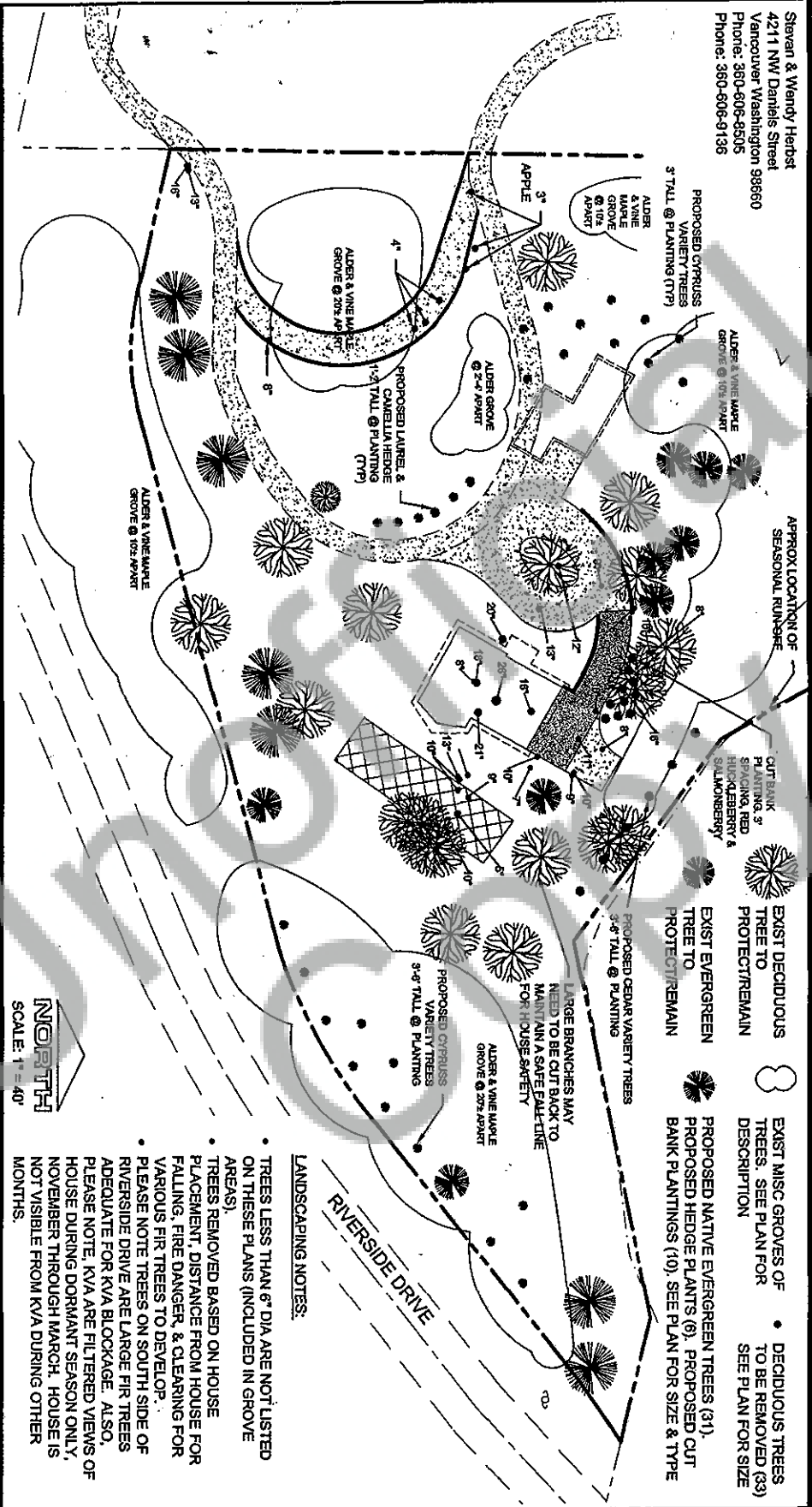




SITE PLAN 2 OF 5

Steven & Wendy Herbst
4211 NW Daniels Street
Vancouver Washington 98660
Phone: 360-606-8505
Phone: 360-606-9136

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Vancouver Washington 98660
Phone: 360-606-8505
Phone: 360-606-9136



LANDSCAPING NOTES:

- TREES LESS THAN 6" DIA ARE NOT LISTED ON THESE PLANS (INCLUDED IN GROVE AREAS).
- TREES REMOVED BASED ON HOUSE PLACEMENT, DISTANCE FROM HOUSE FOR FALLING, FIRE DANGER, & CLEARING FOR VARIOUS FIR TREES TO DEVELOP.
- PLEASE NOTE TREES ON SOUTH SIDE OF RIVERSIDE DRIVE ARE LARGE FIR TREES ADEQUATE FOR KVA BLOCKAGE. ALSO, PLEASE NOTE, KVA ARE FILTERED VIEWS OF HOUSE DURING DORMANT SEASON ONLY, NOVEMBER THROUGH MARCH. HOUSE IS NOT VISIBLE FROM KVA DURING OTHER MONTHS.

LANDSCAPE PLAN

BOOK 161 PAGE 752

THIS SPACE RESERVED FOR RECORDER'S USE

LOT 2 BSP

WHEN RECORDED RETURN TO:
Elizabeth Mapelli
Post Office Box 3885
Portland, Oregon 97208

QUIT CLAIM DEED

THE GRANTOR, Elizabeth J. Mapelli, a married person, from her separate estate, and Carol Pinnell, an unmarried person, as tenants in common, for and in consideration of the sum of \$10.00 and other good and valuable consideration in hand paid, convey and quit claim to Carol Pinnell, an unmarried person, one-half interest, and Brigit Pinnell as to a one-quarter interest, and Andre' Pinnell as to a one-quarter interest, as joint tenants with right of survivorship, with the survivor(s) receiving an equal interest of the deceased owner(s), the following described real estate as is now or may be later described as follows which is situated in the County of Skamania, State of Washington, together with all after acquired title of the grantors therein:

Parcel Number 01 05 11 20 110200, Lot 2 of Short Plat No. 3-26,
Recorded in Book 3, Page 26 of Short Plats, Skamania County,
Washington.

SUBJECT TO: ANY PROHIBITION OF LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR ANY PART THEREOF.

SUBJECT TO: RIGHTS OF THE STATE OF WASHINGTON IN AND TO THAT PORTION OF SAID PREMISES, IF ANY, LYING IN THE BED OF COLUMBIA RIVER, IF IT IS NAVIGABLE.

SUBJECT TO: ANY QUESTION THAT MAY ARISE DUE TO SHIFTING AND CHANGING IN COURSE OF COLUMBIA RIVER, REFERRED TO IN THE DESCRIPTION.

SUBJECT TO: CONDITIONS AND RESTRICTIONS OF RECORD INCLUDING ALL ENCUMBRANCES.

Dated this 3 day of August, 1994.

Elizabeth J. Mapelli Carol Pinnell
Elizabeth J. Mapelli Carol Pinnell

STATE OF OREGON)
COUNTY OF MULTNOMAH) ss

I certify that I know or have satisfactory evidence that Elizabeth J. Mapelli and Carol Pinnell are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: August 3, 1994



Gyan 18530 REAL ESTATE EXCISE TAX
Notary Public in and for the
State of Oregon
Residing at Portland, Oregon
My appointment expires: 10-31-96

JAN 3 1997

SKAMANIA COUNTY TREASURER

Gary H. Martin, Skamania County Assessor
Date 01/05/97 Parcel # 15-11-2-1102

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